IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 17096 of 2005(I)

AGAINST THE ORDER IN EP.NO.89/2005 IN
OS.266/1993 of I ADDL.SUB COURT,TRIVANDRUM

.....

PETITIONER:

C.JAYACHANDRAN, ADVOCATE,
T.C.36/111(1), PERUMTHANNI WARD,
THIRUVANANTHAPURAM.

BY ADV. SRI.VPK.PANICKER

RESPONDENT:

AUGUSTINE PEREIRA,
PHIN LAND, UNDANCODE,
CHERIYAKOLA, KARAKONAM, NEYYATTINKARA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 17096 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE EXECUTION PETITION IN EP NO.89/95 IN OS NO.266/1993 ON THE FILE OF THE SUBORDINATE JUDGES COURT, THIRUVANANTHAPURAM.

EXT.P2 : TRUE COPY OF EA NO.154/98 IN EP NO.89/95 IN OS NO.266/93 ON THE FILE OF THE SBORDINATE JUDGES COURT, THIRUVANANTHAPURAM.

EXT.P3 : TRUE COPY OF EA NO.19/02 IN EP NO.89/95 IN OS NO.266/93 ON THE FILE OF THE SUBORDINATE JUDGES COURT, THIRUVANANTHAPURAM.

EXT.P4 : TRUE COPY OF THE REVIEW PETITION EA NO.92 OF 2003 IN EP NO.89 OF 1995 IN OS NO.266 OF 1993.

EXT.P5 : TRUE COPY OF THE ORDER DT.18.18.04 IN EA NO.92 OF 2003 IN EP NO.89 OF 1995 IN OS NO.266 OF 1993.

EXT.P6 : TRUE COPY OF THE ORDER DT.14.09.04 EA NO.92 OF 2003 IN EP NO.89 OF 1995 IN OS NO.266 OF 1993.

PIUS C.KURIAKOSE,J

==========

W.P.(C).No.17096 OF 2005

==========

Dated this the 16th day of July,2007

JUDGMENT

There is no contest even though respondent has been served with notice.

2. I have heard Sri. V.P.K.Panicker, counsel for the petitioner and considered the various grounds raised. Eventhough I do not find much merit in the grounds raised against the imposition of cost as per Ext.P5, I am of the view that the petitioner should be allowed further time to pay the amount ordered to be remitted with cost under Ext.P5.

3. Accordingly, Ext.P6 shall stand set aside and Ext.P5 will stand modified to the following extent:-

The petitioner shall pay a sum o of Rs.1,500/- by way of costs to the respondent either directly or through his counsel in the court below within three weeks of the petitioner receiving a copy of this judgment. The petitioner shall also pay an amount of Rs.1,000/- as additional cost to the High Court Legal Services Committee within the same time limit. Once the learned Munsiff

notices that the petitioner has complied with the above directions, he will repost E.P.No.89/1995 and also E.A.154/1998 and enquire into both from the stage at which they were dismissed by the court below and dispose of them off in accordance with law. It is made clear that if the respondent is not prepared to receive the amount ordered as payable to him, the petitioner shall deposit the amount in court in which case such deposit shall be treated as sufficient compliance of the directions under this judgment.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE,JUDGE

dvs